



SHAREN WILSON
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FILED
COURT OF CRIMINAL APPEALS
12/7/2017
DEANA WILLIAMSON, CLERK

December 6, 2017

Ms. Deana Williamson
201 West 14th Street, Room 106
Austin, Texas 78701

Re: *Carter, Douglas Paul*, PD-1449-16

Dear Ms. Williamson:

This letter is in response to Appellant's brief on the merits in case number PD-1449-16, filed in this Court on November 30, 2017. Appellant alleges that the judgment in his case should be modified per this Court's holding in *Salinas v. State*, 523 S.W.3d 103 (Tex. Crim. App. 2017).

In *Salinas*, this Court held that fees collected for "abused children's counseling" and "comprehensive rehabilitation" accounts under section 133.102 of the Texas Local Government Code were in violation of the Separation of Powers provision of the Texas Constitution. *Id.* at 106-11. This Court further held that its Separation of Powers holding would apply retroactively to a "defendant who has raised the appropriate claim in a petition for discretionary review before the date of this opinion, if that petition is still pending on the date of this opinion and if the claim

would otherwise be properly before us on discretionary review.” *Id.* at 113.

The State concedes that Appellant’s challenge was raised before the *Salinas* opinion was handed down, was pending on discretionary review at the time the *Salinas* opinion was handed down, and was otherwise properly before this Court on discretionary review. As such, the *Salinas* holding applies to this case. *See id.* at 113. Accordingly, this Court should modify the trial court’s judgment in accordance with the *Salinas* holding and affirm the judgment as modified.

Please bring this letter to the attention of the court

Sincerely,

/s/ John E. Meskunas
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CERTIFICATE OF COMPLIANCE

This document has been prepared in a conventional typeface no smaller than 14-point for text and 12-point for footnotes. *See* TEX. R. APP. P. 9.4(e) This document contains **239** words, excluding any parts exempted by TEX. R. APP. P. 9.4(i)(1), as computed by Microsoft Office Word 2010, the computer software used to prepare the document. *See* TEX. R. APP. P. 9.4(i)

CERTIFICATE OF SERVICE

A true copy of the State's letter brief has been e-served to opposing counsel, Hon. Abe Factor, lawfactor@yahoo.com, 5719 Airport Freeway, Fort Worth, Texas, 76117, on this, the 6th day of December, 2017.

/s/ John E. Meskunas
JOHN E. MESKUNAS